

# EXHIBIT “A2”

FILED  
DISTRICT CLERK OF  
JEFFERSON CO TEXAS  
10/4/2021 3:14 PM  
JAMIE SMITH  
DISTRICT CLERK  
D-208180

CAUSE No. D-0208180

SASHA VILLAREAL, INDIVIDUALLY  
AND AS NEXT FRIEND OF Z.L.  
HUDSON, MINOR

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IN THE DISTRICT COURT

Vs.

JEFFERSON COUNTY, TEXAS

JONES TRANSPORTATION, INC.  
TIMOTHY KENNEDY MCGREW, JR.

136TH JUDICIAL DISTRICT

ORIGINAL ANSWER AND JURY DEMAND OF DEFENDANTS  
JONES TRANSPORTATION, INC. AND TIMOTHY KENNEDY MCGREW, JR.

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COME, JONES TRANSPORTATION INC. and TIMOTHY KENNEDY MCGREW, JR.,  
Defendants in the above-numbered and entitled cause, and for Answer to the Plaintiffs' pleadings  
on file herein, would respectfully show unto the Court as follows:

I.

GENERAL DENIAL

Pursuant to Rule 92 of the Texas Rules of Civil Procedure, JONES TRANSPORTATION, INC.  
AND TIMOTHY KENNEDY MCGREW, JR. deny each and every, all and singular, of the material  
allegations contained in Plaintiffs' pleadings filed herein, and demands strict proof hereof, as  
required by the laws of this State of persons or entities who bring suit as the Plaintiffs do in the  
instant case.

II.

AFFIRMATIVE DEFENSES

JONES TRANSPORTATION, INC. AND TIMOTHY KENNEDY MCGREW, JR. further allege, by way of affirmative defense, and without waiver of the foregoing, that the Plaintiffs' own negligence and/or intentional acts were the sole and/or proximate producing cause of any injuries or damages suffered by the Plaintiffs.

III.

JONES TRANSPORTATION, INC. AND TIMOTHY KENNEDY MCGREW, JR. further allege, by way of affirmative defense, and without waiver of the foregoing, that any injuries or damages suffered by Plaintiffs were caused by the conduct, acts or omissions of third parties over whom JONES TRANSPORTATION, INC. AND TIMOTHY KENNEDY MCGREW, JR. had no control or right of control.

IV.

JONES TRANSPORTATION, INC. AND TIMOTHY KENNEDY MCGREW, JR. further allege, by way of affirmative defense, and without waiver of the foregoing that at all times material, Plaintiffs failed to mitigate their damages as would have been done by a person of ordinary prudence, and their failure to mitigate their damages has proximately caused or at least contributed to his claimed damages.

V.

JONES TRANSPORTATION, INC. AND TIMOTHY KENNEDY MCGREW, JR. further allege, by way of affirmative defense, and without waiver of the foregoing, that Plaintiffs' recovery of medical or health care expenses, if any, incurred is limited to the amount actually paid or incurred by or on behalf of Plaintiffs pursuant to §41.0105 of the Texas Civil Practice & Remedies Code.

VI.

JONES TRANSPORTATION, INC. AND TIMOTHY KENNEDY MCGREW, JR. deny that Plaintiffs are entitled to any recovery. However, to the extent any recovery is had by Plaintiffs, such recoveries must be offset by any amounts received from joint tortfeasors or other Defendants. In the unlikely event that JONES TRANSPORTATION, INC. AND TIMOTHY KENNEDY MCGREW, JR are found liable for any portion of Plaintiffs' injuries, if any, JONES TRANSPORTATION, INC. AND TIMOTHY KENNEDY MCGREW, JR are entitled to indemnity and/or contribution from any other Defendants and a percentage or pro-rata reduction of their liability to Plaintiffs pursuant to Chapters 32 and 33 of the Texas Civil Practice & Remedies Code, the doctrine of comparative fault and/or any other applicable law. Further, JONES TRANSPORTATION, INC. AND TIMOTHY KENNEDY MCGREW, JR. pray for all credit and/or offset rights at law by virtue of any settlement entered into by Plaintiffs with any party or non-party in connection with or relating to any matter pertaining to the claims made herein by Plaintiffs.

VII.

JONES TRANSPORTATION, INC. AND TIMOTHY KENNEDY MCGREW, JR. further allege, without waiver of the foregoing, that any recovery of exemplary damages herein is subject to CPRC § 41.008, Limitation on Amount of Recovery.

JONES TRANSPORTATION, INC. AND TIMOTHY KENNEDY MCGREW, JR further allege, without waiver of the foregoing, that any award of exemplary damages violates the due process clause of the Fifth and Fourteenth Amendments to the United States Constitution, in addition to Article 1, Section 19 of the Texas Constitution, in that:

1. Such punitive damages are intended to punish and deter Defendant and thus this proceeding becomes essentially criminal in nature;

2. The Defendant is being compelled to be a witness against itself in a proceeding that is essentially and effectively criminal in nature, in violation of the Defendant's right to due process, and in violation of the Constitutions of the United States and of the State of Texas;
3. Plaintiffs' burden of proof to establish punitive damages in this proceeding, which is effectively criminal in nature, is less than the burden of proof required in all other criminal proceedings, and thus violates Defendant's right to due process as guaranteed by the Fourteenth Amendment of the United States Constitution and the rights of Defendant under Article 1, Section 19 of the Texas Constitution; and
4. Inasmuch as this proceeding is essentially and effectively criminal in nature, Defendant is being denied the requirements of adequate notice of the elements of the offense, and that such statutory and common law theories purportedly authorizing punitive damages are sufficiently vague and ambiguous, and Plaintiffs' Petition purporting to invoke such statutory and/or common law theory is so vague and ambiguous as to be in violation of the due process clause of the Fourteenth Amendment to the United States Constitution and in violation of Article 1, Section 19 of the Texas Constitution.

VIII.

NOTICE OF USE OF DOCUMENTS

Pursuant to Rule 193.7 of the Texas Rules of Civil Procedure, JONES TRANSPORTATION, INC. AND TIMOTHY KENNEDY MCGREW, JR. hereby give actual notice to Plaintiffs and any other parties that any and all documents and materials produced in response to written discovery may be used as evidence on this case; and, that any such materials may be used as evidence against the party producing the document at any pretrial proceeding and/or at the trial of this matter without the necessity of authenticating the document and/or materials produced in discovery.

IX.

JURY DEMAND

JONES TRANSPORTATION, INC. AND TIMOTHY KENNEDY MCGREW, JR. respectfully request a trial by jury.

X.

JONES TRANSPORTATION, INC. AND TIMOTHY KENNEDY MCGREW, JR respectfully reserve the right at this time to amend this Answer to the Plaintiffs' allegations after JONES TRANSPORTATION, INC. AND TIMOTHY KENNEDY MCGREW, JR have the opportunity to more closely investigate these claims as it is the right and privilege of JONES TRANSPORTATION, INC. AND TIMOTHY KENNEDY MCGREW, JR. under the Rules of Civil Procedure and the laws of the State of Texas.

WHEREFORE, PREMISES CONSIDERED, JONES TRANSPORTATION, INC. AND TIMOTHY KENNEDY MCGREW, JR., having fully answered herein, pray that upon final trial and hearing hereof, SASHA VILLAREAL, INDIVIDUALLY AND AS NEXT FRIEND OF D.L HUDSON., MINOR, Plaintiffs, take nothing by reason of this suit; that Defendants recover their costs; and that Defendants have such other and further relief, general and special, legal and equitable, to which they may show themselves to be justly entitled.

Respectfully submitted,

MANNING, GOSDA & ARREDONDO, L.L.P.  
Attorneys for JONES TRANSPORTATION INC. AND  
TIMOTHY KENNEDY MCGREW, JR., Defendants

By: 

\_\_\_\_\_  
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CERTIFICATE OF SERVICE

I hereby certify that the foregoing instrument was served in compliance with Rule 21a of the Texas Rules of Civil Procedure, by United States mail, certified mail, return receipt requested, facsimile, or hand delivery on this the 4<sup>th</sup> day of October 2021, and promptly filed with the Clerk of the Court, together with this proof of service.

Mr. Clay Dugas  
CLAY DUGAS & ASSOCIATES  
350 Pine Street  
Suite 1750  
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MANNING, GOSDA & ARREDONDO, L.L.P.

By:

  
\_\_\_\_\_  
Gregory A. Schlak

**Automated Certificate of eService**

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Rebecca Jez on behalf of Gregory Schlak  
Bar No. 00784921  
rjez@mga-law.com  
Envelope ID: 57854347  
Status as of 10/4/2021 3:20 PM CST

## Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
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Gregory ASchlak		gschlak@mga-law.com	10/4/2021 3:14:44 PM	SENT
Clay Dugas		dugas@claydugas.com	10/4/2021 3:14:44 PM	SENT

**Case # D-208180 - SASHA VILLARREAL VS JONES TRANSPORTATION, INC.****Envelope Information****Envelope Id**

57854347

**Submitted Date**

10/4/2021 3:14 PM CST

**Submitted User Name**

rjez@mga-law.com

**Case Information****Filings****Filing Type**

EFileAndServe

**Filing Code**

Answer/Response

**Filing Description**

Original Answer and Jury Demand  
of Defendants Jones  
Transportation, Inc. and Timothy  
Kennedy McGrew, Jr.

**Client Reference Number**

S.Villarreal/AMT

**Filing Status**

Submitted

**Lead Document**

File Name	Description	Security	Download
21- 10.04 Original Answer.pdf	21- 10.04 Original Answer.pdf	Lead Document - Does not contain sensitive data	Original File

**eService Details**

Status	Name	Firm	Served	Date Opened
Sent	Rebecca Jez	Manning, Gosda & Arredondo, L.L.P.	Yes	Not Opened
Sent	Jeana Spruill	Manning, Gosda & Arredondo, L.L.P.	Yes	Not Opened
Sent	Gregory A Schlak	Manning, Gosda & Arredondo, L.L.P.	Yes	Not Opened
Sent	Clay Dugas	Clay Dugas & Associates	Yes	Not Opened

## Parties with No eService

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**Name**

SASHA VILLARREAL

**Address**c/o Clay Dugas - Dugas Law Fir  
Beaumont Texas 77701**Name**TIMOTHY KENNEDY MCGREW  
JR**Address**by serving Chairman of Texas T  
Mobile Alabama 36607**Name**

JONES TRANSPORTATION INC

**Address**

## Fees

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### ▼ Answer/Response

**Description****Amount**

Filing Fee

\$0.00

Jury Fee

\$40.00

**Filing Total: \$40.00**

Total Filing Fee

\$40.00

Payment Service Fee

\$1.16

**Envelope Total: \$41.16****Transaction**

\$41.16

**Amount****Transaction Id**

84940979

**Filing Attorney**

Gregory Schlak

**Order Id**

057854347-0

**Filer Type**

Not Applicable

**Transaction  
Response**

Authorized

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Version: 2020.0.4.9310